

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALTURA ST. MICHAEL EWERS,

Plaintiff,

- against -

O R D E R

17 Civ. 1116 (NRB)

CITY OF NEW YORK, ALEXIS GOODRIDGE,
MENDOZA, HEYWOOD, CAPTAIN DIAZ,
JOHN AND JANE DOE, CORIZON HEALTH,
INC., CORRECTION OFFICER NATHALIE
MENDOZA, CORRECTION OFFICER MICHAEL
HAYWOOD, and CAPTAIN ROBERT DIAZ,

Defendants.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS on August 14, 2019, Carmen Giordano and Giordano Law Offices PLLC moved for an Order permitting them to withdraw as counsel of record for plaintiff Altura St. Michael Ewers in this matter and further requested that the Order grant certain additional relief (the "August 14 Motion"); and

WHEREAS on August 30, 2019, plaintiff submitted an opposition to the August 14 Motion; and

WHEREAS on September 9, 2019, given plaintiff's request for a hearing, the Court issued an Order directing plaintiff to show cause before this Court on October 10, 2019 why the requested Order should not issue, see ECF No. 90; and

WHEREAS during the morning of October 10, 2019, the Court received notice that plaintiff would not be able to attend the October 10 hearing, which had been scheduled for that date in order

to accommodate plaintiff's schedule; and

WHEREAS on October 10, 2019, the Court filed an Order directing plaintiff himself to furnish the Court with information concerning the basis for cancellation and any request to reschedule the hearing, see ECF No. 101; and

WHEREAS plaintiff has neither complied with the October 10 Order nor had any further communication whatsoever with this Court; and

WHEREAS the Court has carefully considered the pending application to withdraw as plaintiff's counsel and the opposition thereto; it is hereby

ORDERED that Carmen Giordano, Stefanie Behler, and Giordano Law Offices PLLC are relieved as counsel of record for plaintiff Altura St. Michael Ewers on the basis of irreconcilable differences; and it is further

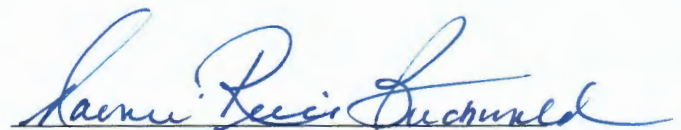
ORDERED that Carmen Giordano, Stefanie Behler, and Giordano Law Offices PLLC are granted (1) a retaining lien on the case file in the amount of \$5,190.00 and (2) a charging lien against any recovery, whether by judgment or settlement, in favor of plaintiff Altura St. Michael Ewers in this matter in an amount to be fixed on the basis of *quantum meruit* by the Court after such recovery; and it is further

ORDERED that proceedings in this matter are stayed for 45 days, at which point, if plaintiff has not retained new counsel or

notified the Court by writing that he intends to proceed *pro se*, the case will be dismissed with prejudice for lack of prosecution; and it is further

ORDERED that Carmen Giordano shall serve a copy of this Order on plaintiff Altura St. Michael Ewers by email and by mail to plaintiff's last known physical address by December 18, 2019, and that Carmen Giordano shall file an affirmation of such service in this Court via ECF by the same date.

Dated: New York, New York
December 18, 2019



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE